



KENTUCKY BOARD OF PHYSICAL THERAPY

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Governor

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Rebecca E. Klusch
Executive Director

MINUTES OF MEETING September 25, 2008

Board Members Present: Ron Barbato, PT, Chair
Debra Turner, PT
Troy Grubb, PT
Kristie Cochrane, PT
Margaret Blain, PT
Peggy Block, PT
Virginia Johnson, Public Member
Janice Kuperstein, PT

Board Staff: Rebecca E. Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Brian Fingerson, RPh
Kelly Baker, University of Kentucky pharmacy student

A meeting of the Kentucky Board of Physical Therapy Complaint Committee was called to order at 4:00 p.m., Wednesday, September 24, 2008, at Board Office. Motion was made by Ron Barbato to go into closed session per KRS 61.810(1) (c) and (j), seconded by Kristie Cochrane. Motion carried. Motion was made by Ron Barbato to come out of closed session, seconded by Kristie Cochrane. Motion carried. The committee meeting adjourned at 7:10 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Ron Barbato, at 9:15 a.m., Thursday, September 25, 2008, at the Board office. A quorum was present.

Motion was made by Peggy Block, seconded by Virginia Johnson to approve the minutes as amended of the July 24, 2008, board meeting. Motion carried.

Complaint Committee

Dubin Orthopaedic Centre, P.S.C v. Kentucky Board of Physical Therapy. The Supreme Court has granted Discretionary Review of the Court of Appeals decision to be ruled on by the Kentucky Supreme Court.

C2006-20 Notice of Administrative Hearing and Order is ongoing.

Kentucky Board of Physical Therapy v. Emery Chatman. Case is ongoing, but has been temporarily concluded for the time with an Order of Contempt against the Defendant to compel the Defendant to comply with the Court's orders.

C2007-01 *KBPT v. Ron Cole, PT* Notice of Administrative Hearing and Order is on-going.

C2007-30 Case is ongoing.

C2007-96 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the *Commonwealth of Kentucky, Board of Physical Therapy v April Coldiron, PT*, Settlement Agreement. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting. Ms. Coldiron appeared personally before the Board, without counsel, to review the Settlement Agreement and her obligations to the Board. Debra Turner has been appointed as monitor

C2008-07 Case is ongoing.

C2008-08 *Commonwealth of Kentucky, Board of Physical Therapy v. Paul J. Constante, D.C., P.S.C., d/b/a Dynamic Chiropractic & Rehab, et. al.*, Jefferson Circuit Court, Division Four (4), Civil Action No. 08-CI-06378 – A Verified Complaint for Injunctive Relief has been filed in the Jefferson Circuit Court by the Board. Case is ongoing.

BIC2008-12 Case is ongoing.

BIC2008-13 Case is ongoing.

C2008-14 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to Order a “Fitness for Duty and Mental Competency Examination.” The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Kristie Cochrane and Ron Barbato recused from voting.

C2008-15 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Administrative Hearing and Order due to the Respondent being disciplined in West Virginia. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Kristie Cochrane and Ron Barbato recused from voting.

C2008-16 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue an Order and Notice of Immediate and Temporary Suspension of Kentucky PTA certificate. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Kristie Cochrane and Ron Barbato recused from voting.

BIC2008-19 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Board initiated complaint and open an investigation. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Kristie Cochrane and Ron Barbato recused from voting.

C2008-20 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and Order an Audit of 2007 Continued Competency Requirements due to the Respondent being disciplined in Ohio for a continuing education violation. The Board approved the recommendation, seconded by Debra Turner. Motion carried. Complaint Committee members Kristie Cochrane and Ron Barbato recused from voting.

C2008-21 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and issue a Cease and Desist. Board approved the recommendation, seconded by Debra Turner. Motion carried. Complaint Committee members Kristie Cochrane and Ron Barbato recused from voting.

C2008-22 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Debra Turner. Motion carried. Complaint Committee members Kristie Cochrane and Ron Barbato recused from voting.

C2008-23 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and issue a Cease and Desist. Board approved the recommendation, seconded by Debra Turner. Motion carried. Complaint Committee members Kristie Cochrane and Ron Barbato recused from voting

The Board reviewed the IPTPC report submitted by Brian Fingerson.

James Richard Roe, PT, requested Reinstatement of his expired license which had been previously disciplined. The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel and the IPTPC, to reinstate license upon passage of the NPTE, meeting all other requirements of KRS 327.075 and his *Conditional Grant of Physical Therapist License*. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Kristie Cochrane and Ron Barbato recused from voting

Christy Guhy, PTA – The Complaint committee recommended to the full Board upon summary of the matter, with the assistance of counsel and the IPTPC, to issue a *Conditional Reinstatement of Physical Therapist Assistant Certificate* to Christy Guhy. Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Kristie Cochrane and Ron Barbato recused from voting

Lori McIntosh, PT, requested Reinstatement of physical therapist license that expired 13 years ago with no current license from any jurisdiction. A motion was made by Debra Turner, seconded by Peggy Block to require retaking and passing the NPTE. Motion carried.

An exam candidate asked for Special accommodations to retake the exam. Peggy Block made motion, seconded by Debra Turner, to approve the request by RSF for double time and a separate room. Motion carried.

Odile Saurat requested a waiver to KRS 327.060(1)(5) “Passed the board approved English language proficiency examination if English is not his or her native language.” The Board denied his request.

Update on Monitoring Probations

Update on monitoring probations were given for the following with approval: Bruce Taylor, PT and Mark Portaro, PT, and Matt Jones PT. This was a final report for Bruce Taylor, PT.

Board and Administrative Business

Aleida Flores, PTA, requested information regarding SOAP notes and reassessment guidelines. The Executive Director will reply to her specific questions according to 201 KAR 22:053.

Nikki Williams, PT, requested an opinion whether an evaluation is necessary for children of a “Play Group” at the same facility where their physical therapy treatment is provided. Since the “Play Group” is an outside activity and not part of the plan of care, it is the opinion of the Board that this would be outside the scope of KRS 327.010(1) “practice of physical therapy.” The Board recommends a disclosure in writing to the parents of these children that physical therapy services are not being provided.

Brittani Withers, PTA, requested the Board to examine a form and recommend whether the form was appropriate for a PTA to complete. Because the form is to be completed every 30 days and a PTA would be making a determination of whether to continue therapy, the Board determined that a PTA could not complete it.

The Board will continue working on ideas and questions for the 2009-11 Jurisprudence Exam. Peggy Block has volunteered to write the Exam.

The Board instructed the Executive Director to proceed with hiring the full time personnel position that was approved at the May 17, 2007 Board meeting.

Other Board Matters

Margaret Blain made a written report on the FSBPT Annual Meeting in Minneapolis, Minnesota, from September 11-15, 2008.

A motion was made by Troy Grubb, seconded by Virginia Johnson to fund Peggy Block and Becky Klusch to attend the FARB Forum in Tampa, Florida, on January 23-25, 2009. Motion carried.

CAPTASA is scheduled for January 23-25, 2009, in Lexington, Kentucky.

Board members reviewed the lists of persons issued a license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

The Board reviewed the financial statement ending August 31, 2008.

A motion was made by Margaret Blain, seconded by Kristie Cochrane, to adjourn for an extended lunch at 1:30 p.m. and reconvene at 5:30 pm. Motion carried. Mr. Brengelman, Debra Turner and Virginia Johnson left the meeting after lunch.

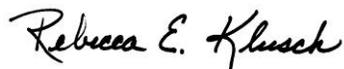
A motion was made by Kristie Cochrane, seconded by Peggy Block to reconvene board meeting. Motion carried.

Janice Kuperstein was sworn in as the new board member, replacing Debra Turner, whose term has expired.

The full Board discussed the impending meeting with the KPTA on the revisions to KRS 327.

A motion was made by Kristie Cochrane, seconded by Margaret Blain to adjourn the meeting at 6:30 p.m. Motion carried.

Respectfully submitted,



Rebecca E. Klusch
Executive Director